

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:24-CV-00028-KDB-SCR**

**FEDERAL TRADE
COMMISSION,**

Plaintiff,

v.

**NOVANT HEALTH, INC. AND
COMMUNITY HEALTH
SYSTEMS, INC.,**

Defendants.

ORDER

THIS MATTER is before the Court on nonparty Atrium Health Inc.’s (“Atrium”) Renewed Motion for In Camera Review (Doc. No. 253) which seeks to maintain the sealing of portions of two exhibits cited in the Court’s Order denying Plaintiff’s request for a Preliminary Injunction. (Doc. No. 253). In accordance with its earlier Order discussing the limited circumstances in which the Court will seal documents, *see* Doc. No. 193, the Court will **in part GRANT** and **in part DENY** Atrium’s motion.

DX 100 and PX 3017 are duplicate copies of presentation slides related to an Atrium “Strategic Planning Committee” meeting in May 2023. Atrium seeks to maintain the sealing of a portion of one slide discussing “Comprehensive service expansion in the Lake Norman area.” The part of the slide Atrium wants to seal are several numbers that indicate how many new locations Atrium is considering for expansion in this area. There is no specific information included in the slide with respect to these locations.

The Court will decline Atrium's request to maintain the sealing of this information. The scope of Atrium's current and future competitive efforts in the Lake Norman area is a critical issue in this case and was discussed and analyzed in detail in the Court's preliminary injunction Order, Doc. No. 227, even if this particular slide was not cited in the Opinion. Accordingly, beyond the fact that the limited information in the slide appears to have little or no true competitive value, it is important for the information to be in the open record so that the public can understand and evaluate the Court's ruling. Therefore, Atrium's motion will be denied with respect to DX 100 / PX 3017.

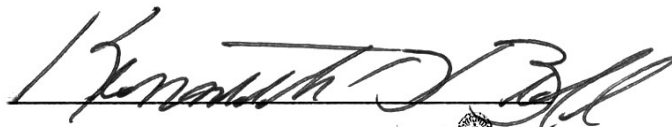
However, the Court will grant Atrium's motion concerning PX 3018. That exhibit contains detailed financial information and projections related to Atrium's planned new hospital Atrium Lake Norman. The exhibit was not cited by the Court or the Parties with respect to this information, which is not necessary for the public to understand the Court's ruling. Therefore, PX 3018 will remain sealed.

NOW THEREFORE IT IS ORDERED THAT:

Atrium's Renewed Motion for In Camera Review (Doc. No. 253) is **GRANTED** as to PX 3018 but **DENIED** as to DX 100 / PX 3017.

SO ORDERED ADJUDGED AND DECREED.

Signed: June 14, 2024



Kenneth D. Bell
United States District Judge

